



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 6444-99

4 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 25 August 1977 at age 23. Prior to the offenses for which you received the punitive discharge, you received four nonjudicial punishments and were convicted by a summary court-martial and a special court-martial. The offenses included unauthorized absences totalling 125 days, assault, use of provoking words, consumption of alcoholic beverages in the barracks, destruction of government property, and possession of marijuana.

A second special court-martial convened on 10 March 1980 and found you guilty of failure to obey a lawful order on two occasions, possession of alcohol in the barracks, consuming alcohol in the barracks, assault with a knife, disorderly conduct in quarters, and communicating a threat. The court sentenced you to confinement at hard labor for four months, forfeitures of \$299 per month for four months, and a bad conduct discharge. You received the bad conduct discharge on 28 September 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, these factors were not sufficient to warrant recharacterization of your discharge due to the fact that your unauthorized absences totalled about four months, your two instances of assault, and the frequency of your misconduct. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director